

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Shawn Archie and Tara Simmons Archie, his wife

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Randy P. Catalano, Esquire- Catalano Law
401 Kings Highway South, Suite 4A, Cherry Hill NJ**DEFENDANTS**

County of Cumberland, et al.

County of Residence of First Listed Defendant **Cumberland/Salem/Gloucester**
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
<input type="checkbox"/> 110 Insurance
<input type="checkbox"/> 120 Marine
<input type="checkbox"/> 130 Miller Act
<input type="checkbox"/> 140 Negotiable Instrument
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment
<input type="checkbox"/> 151 Medicare Act
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits
<input type="checkbox"/> 160 Stockholders' Suits
<input type="checkbox"/> 190 Other Contract
<input type="checkbox"/> 195 Contract Product Liability
<input type="checkbox"/> 196 Franchise

TORTS
<input type="checkbox"/> PERSONAL INJURY
<input type="checkbox"/> 310 Airplane
<input type="checkbox"/> 315 Airplane Product Liability
<input type="checkbox"/> 320 Assault, Libel & Slander
<input type="checkbox"/> 330 Federal Employers' Liability
<input type="checkbox"/> 340 Marine
<input type="checkbox"/> 345 Marine Product Liability
<input type="checkbox"/> 350 Motor Vehicle
<input type="checkbox"/> 355 Motor Vehicle Product Liability
<input type="checkbox"/> 360 Other Personal Injury
<input type="checkbox"/> 362 Personal Injury - Medical Malpractice
<input type="checkbox"/> PERSONAL PROPERTY
<input type="checkbox"/> 370 Other Fraud
<input type="checkbox"/> 371 Truth in Lending
<input type="checkbox"/> 380 Other Personal Property Damage
<input type="checkbox"/> 385 Property Damage - Product Liability

FORFEITURE/PENALTY
<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881
<input type="checkbox"/> 690 Other
<input type="checkbox"/> LABOR
<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 720 Labor/Management Relations
<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 751 Family and Medical Leave Act
<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 791 Employee Retirement Income Security Act
<input type="checkbox"/> IMMIGRATION
<input type="checkbox"/> 462 Naturalization Application
<input type="checkbox"/> 465 Other Immigration Actions

Click here for: Nature of Suit Code Descriptions.

BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeering Influenced and Corrupt Organizations
<input type="checkbox"/> SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

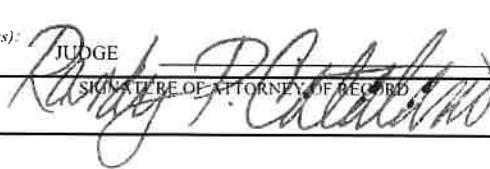
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983**VI. CAUSE OF ACTION**Brief description of cause:
Violation of Constitutional Rights**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions)

JUDGE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD



DATE 10/8/2021

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SHAWN ARCHIE and TARA SIMMONS
ARCHIE, his wife**

Plaintiffs,
vs.

**COUNTY OF CUMBERLAND, OFFICER
CORDOVA, OFFICER BERMUDEZJOHN
DOES 1-10 (fictitious names), WARDEN
RICHARD T. SMITH, COUNTY OF
SALEM, JOHN DOES 11-20 (fictitious
names), STATE OF NEW JERSEY, NEW
JERSEY DEPARTMENT OF
CORRECTIONS, CENTRAL RECEPTION
ASSIGNMENT FACILITY (CRAF), JOHN
DOES 21-30 (fictitious names), SOUTHERN
STATE CORRECTIONAL FACILITY,
JOHN DOES 31-40 (fictitious names),
COUNTY OF GLOUCESTER, JOHN DOES
41-50 (fictitious names), CFG HEALTH
SYSTEMS, LLC, JOHN DOES 51-75
(fictitious names), JOHN DOES 76-85
(fictitious names), JOHN DOES 86-95
(fictitious names)**

Defendants.

CIVIL NO.

CIVIL ACTION

COMPLAINT

Plaintiff, Shawn Archie and Tara Simmons Archie, his wife with residence at 1724 Plank

Road, South Hill, VA 23790 by way of Complaint says:

COUNT ONE

(Jurisdiction and Venue)

1. Plaintiff, Shawn Archie brings this action against certain defendants to recover damages for deprivation and violation of rights secured to him by the Fourteenth Amendment to the United States Constitution, by 42 U.S.C. § 1983 and by the New Jersey Constitution.

2. Plaintiff seeks redress from certain defendants' violation of his Fourteenth Amendment rights to due process of law and for his rights provided by 42 U.S.C. § 1983.

3. This court has jurisdiction over this action under 38 U.S.C. § 1331 and 1343 (a) for violation of constitutional rights as provided in 42 U.S.C. § 1983. Plaintiff seeks monetary damages as well as attorney's fees and costs pursuant to 42 U.S.C. § 1988.

4. Plaintiff also invokes the supplemental jurisdiction of this court over his state law claim against certain defendants pursuant to 28 U.S.C. § 1337 because the state law claims form part of the same case or controversy.

5. Venue is proper in this District Court pursuant to 28 U.S.C. § 1331 because the acts complained of occurred in the County of Cumberland and the County of Salem

WHEREFORE, plaintiff, Shawn Archie, demands judgment for compensatory and punitive damages against defendants, County of Cumberland, Officer Cordova, Officer Bermudez, John Does 1-10 (fictitious names), Warden Richard T. Smith, County of Salem, John Does 11-20 (fictitious names), State of New Jersey, New Jersey Department of Corrections, Central Reception and Assignment Facility (CRAF), John Does 21-30 (fictitious names), Southern State Correctional Facility, John Does 31-40 (fictitious names), County of Gloucester, John Does 41-50 (fictitious names), CFG Health Systems, LLC, John Does 51-75 (fictitious

names), John Does 76-85 (fictitious names), John Does 86-95 (fictitious names).

COUNT TWO

(Parties)

6. At all relevant times alleged herein, plaintiff was and is a citizen of the United States of America and the State of Virginia, previously residing in Mecklenburg County.

7. At all relevant times alleged herein, defendant, County of Cumberland and the Cumberland County Department of Corrections/ Cumberland County Jail was the employer of the individual defendants and bodies politic of the State of New Jersey, and as such, were responsible for the institutionalized policies and practices of the Corrections Department, had disciplinary control over subordinate members of its Corrections Department, and had the authority and responsibility to prevent ongoing violations of constitutional and common law rights by members of its Corrections Department.

8. At all times alleged herein, defendants, County of Cumberland, Cumberland County Department of Corrections, was the employer of the individual defendants and had both the authority and the responsibility to prohibit institutionalized policies and practices of its Corrections Department which fostered, permitted or acquiesced in violations of the constitutional rights of inmates including plaintiff, Shawn Archie.

9. At all times material hereto, defendants, Officer Cordova, Officer Bermudez and Warden Richard T. Smith, were employees of the defendant, County of Cumberland and the Cumberland County Department of Corrections and were acting in such capacity and under color of state law.

10. At all relevant times, defendant John Does 1-10 (fictitious names), were individuals employed by the County of Cumberland, who were acting in such capacity and under

color of state law. These defendants are fictitious names for individuals and/or whose identities are currently unknown to plaintiff but expect to be ascertained in discovery.

11. At all relevant times alleged herein, defendants County of Salem and the Salem County Department of Corrections/Salem County Jail was the employer of certain individuals defendants and bodies politic of the State of New Jersey, and as such, were responsible for the institutionalized policies and practices of the Corrections Department, had disciplinary control over subordinate members of its Corrections Department, and had the authority and responsibility to prevent ongoing violations of constitutional and common law rights by members of its Corrections Department.

12. At all times alleged herein, defendants' County of Salem, Salem County Department of Corrections/Salem County Jail, was the employer of certain individuals and had both the authority and the responsibility to prohibit institutionalized policies and practices of its Corrections Department which fostered, permitted or acquiesced in violations of the constitutional rights of inmates including plaintiff, Shawn Archie.

13. At all relevant times, defendant John Does 11-20 (fictitious names) were individuals employed by the County of Salem who were acting in such capacity and under color of state law. These defendants are fictitious names for individuals and/or whose identities are currently unknown to plaintiff but expect to be ascertained in discovery.

14. At all relevant times, defendant State of New Jersey, the New Jersey Department of Corrections, the Central Reception and Assignment Facility (CRAF) and the Southern State Correctional Facility were the employers of the certain individuals and bodies politic of the State of New Jersey, and as such, were responsible for the institutionalized policies and practices of the Corrections Department, had disciplinary control over subordinate members

of its Corrections Department, and had the authority and responsibility to prevent ongoing violations of constitutional and common law rights by members of its Corrections Department.

15. At all times alleged herein, defendant's State of New Jersey , the N.J. Department of Corrections, the Central Reception Assignment Facility (CRAF) the Southern State Correctional Facility were the employers of certain individuals and had both the authority and the responsibility to prohibit institutionalized policies and practices of its Corrections Department which fostered, permitted or acquiesced in violations of the constitutional rights of inmates including plaintiff, Shawn Archie.

16. At all relevant times, defendants John Does 21-30 (fictitious names) and John Does 31-40 (fictitious names) were individuals employed by the State of New Jersey, the N.J. Department of Corrections, the Central Reception Assignment Facility (CRAF), the Southern State Correctional Facility who were acting in such capacity and under color of state law. These defendants are fictitious names for individuals and/or whose identities are currently unknown to plaintiff but expect to be ascertained in discovery.

17. At all times alleged herein, defendants' County of Gloucester and the Gloucester County Department of Corrections was the employer of certain individuals and bodies politic of the State of New Jersey, and as such, were responsible for the institutionalized policies and practices of the Corrections Department, had disciplinary control over subordinate members of its Corrections Department, and had the authority and responsibility to prevent ongoing violations of constitutional and common law rights by members of its Corrections Department.

18. At all times alleged herein, defendants County of Gloucester and the

Cumberland County Department of Corrections, was the employer of the individual defendants and had both the authority and the responsibility to prohibit institutionalized policies and practices of its Corrections Department which fostered, permitted or acquiesced in violations of the constitutional rights of inmates including plaintiff, Shawn Archie.

19. At all relevant times, defendants John Does 41-50 (fictitious names) were individuals employed by the County of Gloucester who were acting in such capacity and under color of state law. These defendants are fictitious names for individuals and/or whose identities are currently unknown to plaintiff but expect to be ascertained in discovery.

20. At all relevant times, Defendant CFG Health Systems, LLC was a medical/nursing entity which provided such services to one or more of the institutional settings where plaintiff was housed as an inmate.

21. Defendant CFG Health Systems, LLC employed one or more medical staff members, including nurses, and nurses' assistants, who were assigned to the aforementioned institutional settings where plaintiff was an inmate.

22. At all relevant times, John Does 51-75 (fictitious names) were employees of defendant CFG Health Systems, LLC and acting in said capacity where their actions or failure to act in regard to plaintiff resulted in his failure to receive proper medical care and/or nursing treatment. These defendants are fictitious names for individuals and/or whose identities are currently unknown to plaintiff but expect to be ascertained in discovery.

23. At all relevant times, defendant John Does 76-85 (fictitious entities) were other medical groups and or nursing services who provided medical care and/or nursing treatment at the intuitional settings where plaintiff was housed as an inmate. These defendants are fictitious names for individuals whose identities are currently unknown to plaintiff but expect

to be ascertained in discovery.

24. At all relevant times, defendants John Does 86-95 (fictitious entities) were independent contractors/private maintenance companies responsible for repairs and maintenance of the institutional facilities where plaintiff was housed as an inmate and including toilets, lighting, bunk beds, and other such components needed for plaintiffs safety and well-being, and more specifically at the Gloucester County Jail.

25. At all relevant times, all named defendants are being sued in their individual as well as their official capacities.

WHEREFORE, plaintiff, Shawn Archie, demands judgment for compensatory and punitive damages against defendants, County of Cumberland, Officer Cordova, Officer Bermudez, John Does 1-10 (fictitious names), Warden Richard T. Smith, County of Salem, John Does 11-20 (fictitious names), State of New Jersey, New Jersey Department of Corrections, Central Reception and Assignment Facility (CRAF), John Does 21-30 (fictitious names), Southern State Correctional Facility, John Does 31-40 (fictitious names), County of Gloucester, John Does 41-50 (fictitious names), CFG Health Systems, LLC, John Does 51-75 (fictitious names), John Does 76-85 (fictitious names), John Does 86-95 (fictitious names).

COUNT THREE
(Facts)

26. Plaintiff, Shawn Archie, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

27. On or about October 9, 2019, plaintiff, Shawn Archie was being housed in D-pod cell 5029 at the Cumberland County Jail. As plaintiff apparently was trying to climb on to his top bunk, he slipped on water from a leaking toilet causing him to fall landing on his right

arm and striking his head. He sustained a torn rotator cuff to his right shoulder.

28. While he was initially seen in the infirmary and taken to the hospital, x-rays were taken a few days later. Thereafter, Mr. Archie was denied medical treatment for about six (6) months until he finally received an MRI in April of 2020.

29. In January, 2020, Plaintiff was misdiagnosed as having a sinus infection which was actually MRSA on this face (nostril) causing damage to his right nostril as well as permanent scarring.

30. During transports for the MRI of his right shoulder, plaintiff was placed in a vehicle whose driver was employed by defendant Gloucester County who was apparently suffering from COVID 19.

31. As a result of this exposure, plaintiff contracted and became ill with COVID-19 himself. He became very sick but was told he has the flu and prescribed medicine for the flu. He was refused COVID 19 testing numerous times.

32. Once he contracted COVID 19, plaintiff was isolated, and the corrections officers failed to provide for his basic needs thereby violating his constitutional rights as an inmate. He was locked behind a door by himself where he was refused a shower, his mail, phone calls, commissary, etc.

33. This is especially egregious since he contracted COVID 19 from a correction's officer or from being an inmate.

34. Despite the results of the MRI of his right shoulder, his continued complaints of pain and discomfort and his need for additional medical treatment, plaintiff not tended to or provided with said medical care and/or treatment.

35. Plaintiff was transferred out of Cumberland County Jail into the facilities

run by other named defendants.

36. Regardless of where he was and despite his complaints of pain and discomfort from the injury to his right shoulder he was never provided with proper medical care and/or treatments.

COUNT FOUR

(Negligence and Palpable Unreasonableness)

37. Plaintiff, Shawn Archie, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

38. Defendant County of Cumberland at all times owned, controlled, leased, managed, repaired, maintained and/or were responsible for the premises where plaintiff was housed as an inmate when he sustained his shoulder injury.

39. As the entity who owned, controlled, leased, managed, repaired and/or maintained said premises, said defendant owed a duty to plaintiff, Shawn Archie, as an inmate at Cumberland County Jail to remove all hazards known to defendants, as well as those hazards which in the exercise of reasonable care should have been known to defendants and/or to warn plaintiff of those hazards known to defendants, as well as those hazards which in exercise of reasonable care should have been known to defendants.

40. On or about the aforesaid dates, defendants County of Cumberland, Salem County Jail, Southern State Correctional Facility and/or John Does 1-10 (fictitious names) were negligent on their actions were palpably unreasonable as follows:

- a) failing to repair and maintain the toilet, top bunk and lighting in plaintiffs' cell;

- b) failing to make reasonable inspections in order to properly maintain the premises in a safe condition
- c) allowing the toilet to leak resulting in water on the floor of the cell where inmates are known and expected to traverse the cell floor;
- d) allowing a dangerous and hazardous condition to exist knowing that inmates may have to traverse the floor of the cell in the dark ("lights out" condition);
- e) allowing a dangerous and hazardous condition to continue;
- f) failing to warn inmates of the dangerous condition;
- g) and were otherwise negligent or their actions were otherwise palpably unreasonable under the circumstances.

WHEREFORE, plaintiff, Shawn Archie, demands judgment for compensatory damages against defendants, County of Cumberland, Warden Richard T. Smith, Officer Cordova John Does 1-10 (fictitious names), State of New Jersey, John Does 21-30 (fictitious names) and John Does 31-40 (fictitious names) together with interest, attorney fees and costs of suit.

COUNT FIVE

(Fourteenth Amendment Violations)

41. Plaintiff, Shawn Archie, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

42. The actions of the aforesaid defendants, jointly, severally or in the alternative, constituted under the circumstances a failure to protect the plaintiff afforded by the Fourteenth Amendment of the U.S. Constitution.

43. Defendants also violated plaintiff's Due Process rights under the Fourteenth Amendment in that he was refused medical care and treatment despite repeated complaints of pain and/or discomfort

44. Defendants knew or should have known that there was a risk of serious injury and/or disability when they failed to provide him with any type of medical treatment after he was complaining of shoulder pain and discomfort for several months.

45. Defendant's actions or failure to take actions constituted a violation of plaintiff's Fourteenth Amendment rights as well as his New Jersey State Constitutional rights against such behavior.

46. As a direct and proximate result of the actions of the aforesaid defendants, plaintiff, Shawn Archie sustained serious injuries of a temporary and permanent nature, was caused pain and suffering, emotional stress, will incur medical expenses in an effort to cure his injuries, was unable to and may in the future be unable to attend to his usual duties and affairs, was subjected to a violation of his constitutional rights and was otherwise injured and damaged.

WHEREFORE, plaintiff, Shawn Archie, demands judgment for compensatory and punitive damages against defendants, County of Cumberland, Warden Richard T. Smith, County of Salem, John Does 11-20 (fictitious names), State of New Jersey, John Does 21-30 (fictitious names) and John Does 31-40 (fictitious names) together with interest, attorney fees and costs of suit.

COUNT SIX

(Violation of New Jersey Civil Rights)

47. Plaintiff, Shawn Archie, hereby incorporates the contents of all previous paragraphs as it set forth at length herein.

48. The actions of the aforesaid Defendants constituted a violation of Plaintiff's rights under the New Jersey Civil Rights Act.

49. As a direct and proximate result of the actions of the aforementioned

Defendants, Plaintiff, Shawn Archie, sustained serious injuries, was caused pain and suffering, emotional stress, incurred medical expenses in an effort to cure his injuries, was unable to and may in the future be unable to attend to his usual duties and affairs was subjected to a violation of his constitutional rights and was otherwise injured and damaged.

WHEREFORE, plaintiff, Shawn Archie, demands judgment for compensatory and punitive damages against defendants, County of Cumberland, Warden Richard T. Smith, Officer Cordova, Officer Bermudez, John Does 1-10 (fictitious names), County of Salem, John Does 11-20 (fictitious names), State of New Jersey, John Does 21-30 (fictitious names), John Does 31-40 (fictitious names) together with interest, attorney fees and costs of costs of suit in connection with the claims asserted herein.

COUNT SEVEN

(State Law Torts)

50. Plaintiff, Shawn Archie, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

51. Defendants, while acting in the course and scope of their authority, wrongfully and unlawfully forced the Plaintiff, Shawn Archie, into a situation where he was not provided with any medical care and/or treatment despite repeated requests and continued compliments of pain and discomfort.

52. Said actions constituted intentional torts under New Jersey State Law.

53. As a direct and proximate result of the actions of the aforementioned Defendants, Plaintiff, Shawn Archie, sustained serious injuries, was caused pain and suffering, emotional stress, incurred medical expenses in an effort to cure his injuries, was unable to and may in the future be unable to attend to his usual duties and affairs, was subjected to a violation of his constitutional rights and was otherwise injured and damaged.

WHEREFORE, plaintiff, Shawn Archie, demands judgment for compensatory and punitive damages against defendants, County of Cumberland, Warden Richard T. Smith, Officer Cordova, Officer Bermudez, John Does 1-10 (fictitious names), County of Salem, John Does 11-20 (fictitious names; State of New Jersey, John Does 21-30 (fictitious names) and John Does 31-40 (fictitious names together with interest, attorney fees and costs of suit.

COUNT EIGHT

(Negligence against Defendant CFG Health Systems, LLC)

54. Plaintiff, Shawn Archie, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

55. Defendants CFG Health Systems, LLC and John Does 51-75 (fictitious names) owed a duty of ordinary care to the Plaintiff, Shawn Archie, and Defendants breached said duty under the circumstances.

56. Defendants CFH Health Systems LLC., and John Does 51-75 (fictitious names) breached their duty of care owed to the plaintiff as an inmate in need of medical care and/or treatment.

57. As a direct and proximate result of the actions of the aforementioned Defendants, Plaintiff, Shawn Archie, sustained serious injuries, was caused pain and suffering, emotional stress, incurred medical expenses in an effort to cure his injuries, was unable to and may in the future be unable to attend to his usual duties and affairs, was subjected to a violation of his constitutional rights and was otherwise injured and damaged.

WHEREFORE, plaintiff, Shawn Archie, demands judgment for compensatory damages against defendants, CFG Health Systems and John Does 51-75 (fictitious names) together with interest, attorney fees and costs of suit.

COUNT NINE

(PER QUOD)

56. Plaintiff, Shawn Archie, hereby incorporates the contents of all previous paragraphs as if set forth at length herein.

57. As a direct and proximate result of the subject accident and the injuries sustained by the plaintiff, Shawn Archie, as a result of that accident, the plaintiff, Tara Simmons Archie, was and will be deprived of the services, earnings, comforts, society, companionship and consortium of her husband and has been forced to provide special services and care for him.

WHEREFORE, plaintiff, Tara Archie Simmons demands a judgment for damages against defendants, County of Cumberland, Officer Cordova, Officer Bermudez, John Does 1-10 (fictitious names), Warden Richard T. Smith, County of Salem, John Does 11-20 (fictitious names), State of New Jersey, New Jersey Department of Corrections, Central Reception and Assignment Facility (CRAF), John Does 21-30 (fictitious names), Southern State Correctional Facility, John Does 31-40 (fictitious names), County of Gloucester, John Does 41-50 (fictitious names), CFG Health Systems, LLC, John Does 51-75 (fictitious names), John Does 76-85 (fictitious names), John Does 86-95 (fictitious names).

JURY DEMAND

Plaintiffs Shawn Archie and Tara Simmons Archie, hereby demand a jury trial as to all issues.



Randy P. Catalano, Esquire
Attorney for Plaintiffs